

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**HUE THANG LIEN
A023-872-257**

Plaintiff,

v.

Case No. 13-CV-1241

**UNITED STATES CITIZENSHIP &
IMMIGRATION SERVICES;
MARK J. HAZUDA,
District Director, Nebraska Service Center, U.S.
Citizenship and Immigration Services,**

Defendants.

ORDER

Plaintiff Hue Thang Lien filed this action on November 4, 2013, asking this Court to order the government to change the date of birth on his Naturalization Certificate from June 6, 1955, to his correct date of birth, June 6, 1953. The incorrect date of birth was not the result of a clerical error by the United States Citizenship and Immigration Services (USCIS); rather, it was due to information understood by the Plaintiff at that time, which he has since discovered to be in error.

USCIS does not oppose the requested change to Plaintiff's Naturalization Certificate as there is no evidence that Plaintiff or his family acted fraudulently, and Plaintiff has provided reliable evidence of his correct date of birth. Accordingly, the government has stated that it does not oppose Plaintiff's request for a corrected Naturalization Certificate.

Although USCIS may not have administrative power to change the date of birth on the Plaintiff's Naturalization Certificate, this Court has the power to order the amendment.

See Chong Soo Pyun v. Jarina, 2009 U.S. Dist. LEXIS 49209, at *4-5 (W.D. Tenn. 2009); *Hussain v. United States Citizenship and Immigration Services*, 541 F. Supp. 2d 1083, 1085 (D. Minn. 2008); *Zhang v. United States Department of Homeland Security*, 2007 U.S. Dist. LEXIS 53854, at *2 (N.D.N.Y. 2007).

Accordingly, **IT IS HEREBY ORDERED** that the Plaintiff's request for amendment to his Naturalization Certificate is **GRANTED**. The government shall promptly issue an amended Naturalization Certificate to Plaintiff that reflects the correct June 6, 1953 date of birth.

IT IS FURTHER ORDERED that this case be **DISMISSED WITH PREJUDICE** without an award of costs or fees to either party.

Dated at Milwaukee, Wisconsin this 19th day of December, 2013.

BY THE COURT:

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge